

# **5 FAM 400 RECORDS MANAGEMENT**

## **5 FAM 410 RECORDS MANAGEMENT PROGRAM**

### **5 FAM 411 SCOPE**

*(TL:IM-19; 10-30-95)*

The policies defined in this chapter establish the basis for an active, continuing program for the effective, economical, and efficient management of records within the Department of State and all of its components in the United States and abroad, as required by Federal statutes and regulations.

### **5 FAM 412 PROGRAM OBJECTIVES**

*(TL:IM-19; 10-30-95)*

The records management program applies standards, procedures, and techniques that are designed to:

(a) create and preserve Federal records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency, and records necessary to protect the legal and financial rights of the Government and of persons directly affected by the Department's activities (44 U.S.C. 3101);

(b) establish effective management controls over the creation, maintenance, use of records in the conduct of current business (44 U.S.C. 3102);

(c) promote the maintenance and security of records deemed appropriate for preservation and facilitate the segregation and disposal of temporary records (44 U.S.C. 3102);

(d) provide for the transfer of records to a records center maintained and operated by the Archivist or, when approved by the Archivist and when such action may affect substantial economies or increased operating efficiency, to a center maintained and operated by the Department (44 U.S.C. 3103);

(e) establish safeguards against the removal or loss of records determined to be necessary and required by regulations, including making it known to Department officials and employees that:

(1) records in the custody of the Department are not to be alienated or destroyed except in accordance with 5 FAM 434 , and

(2) the penalties provided by law for the unlawful removal or destruction of records (44 U.S.C. 3105) (see 5 FAM 423.2 for more information); and

(f) notify the Archivist of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of the Department and with the assistance of the Archivist shall initiate action through the Attorney General for the recovery of records believed to have been unlawfully removed from the Department or from another Federal agency whose records have been transferred to the legal custody of the Department (44 U.S.C. 3106).

## **5 FAM 413 PROGRAM RESPONSIBILITIES**

### **5 FAM 413.1 Department of State's Records Officer**

*(TL:IM-19; 10-30-95)*

The Chief of the Records Management Branch (A/IM/IS/OIS/RA/RD) is designated the Department of State's Records Officer and is responsible for seeing that the Department and all of its component elements in the United States and abroad are in compliance with Federal statutes and regulations and meet the objectives stated in 5 FAM 412 . The Branch Chief also coordinates with other Federal and regulatory agencies, including the National Archives and Records Administration, OMB, GSA, and GAO on all records matters.

### **5 FAM 413.2 Records Management Branch (OIS/RA/RD)**

*(TL:IM-19; 10-30-95)*

OIS/RA/RD is responsible for establishing policy and procedures for the management and protection of records; evaluating records and developing schedules; conducting records and information management studies; conducting training; approving micrographic systems; managing and operating the Department's Records Service Center; transporting vital records to relocation sites; providing liaison with other Federal agencies; and providing general technical assistance and advice to offices and posts. The Records Management Branch offers on-site records and information management assistance. This assistance includes: (1) creation (or receipt), (2) maintenance and use, and (3) disposition of records. Requests for assistance can be directed to OIS/RA/RD by either telephone - (voice (202) 647-6041, FAX (202) 647-6524), E-mail = RECORDS, or by telegram.

## **5 FAM 413.3 Records Service Center (RSC)**

*(TL:IM-19; 10-30-95)*

RSC provides off-site storage and manages and controls records retired from Department offices and Foreign Service posts. The RSC also administers the Vital Records Program for the Department. This consists of maintaining liaison with and providing assistance to Department offices and transferring records to relocation sites.

## **5 FAM 413.4 Research Branch (IM/IS/OIS/IA/RB)**

*(TL:IM-19; 10-30-95)*

IM/IS/OIS/IA/RB provides retrieval services to the Department and posts from the Records Service Center (RSC), the Washington National Records Center (WNRC), the Automated Document System (ADS) and other related record collections stored at the National Archives.

## **5 FAM 413.5 Telegram Indexing Branch IM/IS/OIS/IA/IB**

*(TL:IM-19; 10-30-95)*

IM/IS/OIS/IA/IB reviews the on-line "citations" created by the ADS (Automated Document System) for all foreign policy telegrams. Indexing consists of analyzing telegrams by subjects, organizations, subject personalities, TAGS (Traffic Analyses by Geography and Subject) and terms.

## **5 FAM 413.6 Written Indexing and Correspondence Control Branch (IM/IS/OIS/IA/WI)**

*(TL:IM-19; 10-30-95)*

IM/IS/OIS/IA/WI is responsible for the bibliographic/subjective analysis and indexing of all written documents for the central database. The range of documents include diplomatic notes, Congressional correspondence, memorandum of conversation, memoranda, intelligence reports and general correspondence.

## **5 FAM 413.7 Department Bureaus and Offices**

*(TL:IM-19; 10-30-95)*

a. Bureau and office directors in the Department are responsible for implementing and administering the standards, systems, and procedures prescribed in these regulations and ancillary handbooks.

b. In the Department, each office assigns an individual to coordinate all records management policies, procedures and activities with OIS/RA/RD. This person would also be responsible for the following:

- (1) Management of central files, if any;
- (2) Establishment of guidance and procedures for management of files held in the office;
- (3) Coordination of records for retirement to the Department's Records Service Center or other records storage facilities;
- (4) Application of the records disposition schedules for their office or post;
- (5) Analysis of records management program needs; and
- (6) Review of the recordkeeping procedures and systems on a regular basis for compliance with records management regulations and procedures as detailed in 5 FAH-4 .

## **5 FAM 413.8 Posts**

(TL:IM-19; 10-30-95)

a. The principal officer at each post is responsible for implementing and administering the standards, systems, and procedures prescribed in these regulations and ancillary handbooks.

b. At post, under the supervision of the administrative officer, the Information Management Officer (IMO) is designated the Post Records Officer. At a post that does not have an IMO, the Information Program Officer (IPO) is designated. The Post Records Officer is responsible for:

- (1) Coordinating records management policies, procedures and activities with OIS/RA/RD;
- (2) Management of central files, if any;
- (3) Establishment of guidance and procedures for management of files held within each section;
- (4) Management of records stored off-site;
- (5) Coordination of any approved micrographics projects at post;
- (6) Providing technical guidance, application of disposition schedules and appropriate filing practices and techniques;
- (7) Preparation of the Biennial Records Report ( 5 FAM 414.1 );

- (8) Coordination and shipment of records for retirement to the Department's Records Service Center;
- (9) Application of the records disposition schedules for posts;
- (10) Analysis of records management program needs;
- (11) Approval of filing equipment procurement; and
- (12) Review of the post recordkeeping procedures and systems on a regular basis for compliance with records management regulations and procedures as detailed in 5 FAH-4 .

## **5 FAM 413.9 Administrative Officers**

*(TL:IM-19; 10-30-95)*

The administrative section of each Department office or bureau and of each post has the responsibility for the following actions:

- (1) Reminding all employees who are about to leave the Department or the Foreign Service, of the laws and regulations pertaining to the disposition of personal papers (see 5 FAM 421.4 ) and official records (see 5 FAM 423 and 5 FAM 430 );
- (2) Seeing that Forms DS-8A, Administrative Clearance for Separation and OF-109, Separation Statement, are executed for each departing employee, and are then forwarded to the Office of Personnel for filing in the employee's Official Personnel Folder (see 3 FAM ); and
- (3) Advising departing officials ranked assistant secretary and above, or ambassador, to consult with the Department's Records Officer about depositing papers they may have accumulated during their tenure in the Department, and which may have historical interest, in the National Archives or a Presidential archival depository, where specific restrictions may be placed on access to such papers.

## **5 FAM 413.10 Department Employees and Contractors**

*(TL:IM-19; 10-30-95)*

All Department employees and contractors are required by law to make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the Department (Federal Records Act, 44 U.S.C. 3301).

## 5 FAM 413.11 Joint Administrative Office (JAO)

(TL:IM-19; 10-30-95)

Administrative records maintained by a Joint Administrative Office (JAO) overseas are handled and disposed of, in accordance with the regulations contained in this chapter. Program records are the property of the agency concerned and are handled in accordance with applicable regulations of that agency.

## 5 FAM 414 REPORTING REQUIREMENTS

(TL:IM-22; 4-15-97)

a. All offices and posts shall notify *the Department's Records Officer (A/IM/IPS)* by memorandum or telegram, to report emergency or accidental destruction of records, i.e., by fire, flood, chemical means, vermin, etc. The required information is defined in 5 FAH-4 H-316 and in 12 FAH-1 (Emergency Planning Handbook).

b. See 5 FAM 434.2 *for emergency destruction of records.*

## 5 FAM 415 DEFINITIONS

(TL:IM-19; 10-30-95)

a. **Administrative Records** are records relating to budget, personnel, supply, and similar housekeeping, or facilitative functions common to most offices, in contrast to program records.

b. **Electronic records** include numerical, graphical, and textual information recorded on any medium capable of being read by a computer and which satisfy the definition of a record found in 44 U.S.C. 3301. This includes, but is not limited to, both on-line storage and off-line media such as tapes, disks, and optical disks (36 CFR 1234.1 ).

c. **Electronic records system** is any information system that produces, manipulates, stores, or transfers federal records by using a computer.

d. **Federal Records**—By law, Federal records are all documentary materials (including all books, papers, maps, photographs, machine readable materials), regardless of physical form, that are:

(1) made or received by an agency of the U.S. Government under Federal law or in connection with the transaction of public business, and

(2) preserved or appropriate for preservation as evidence of agency activities or because of the value of the information they contain (44 U.S.C. 3301). “Appropriate for preservation” means documentary material made or received that should be filed, stored, or otherwise systematically maintained by the agency because it constitutes evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of the material.

e. **Nonrecord material** are those materials that do not meet the statutory definition of records or that has been excluded from coverage by the definition. Excluded materials are extra copies of documents kept only for reference, stocks of publications and processed documents, and library or museum materials intended solely for reference or exhibit.

f. **Personal Papers** are documentary materials of a private or nonpublic nature that have not been used in the transaction of Department of State business. They may include:

(1) Papers created or received by officials before entering Government service. These papers must not have been used subsequently in the transaction of Department business.

(2) Private papers brought into, created or received in the office. These papers must not be related to or used in transacting Department business. Correspondence received or sent as a Department official is not personal.

(3) Personal copies of employment-related records.

(4) Work-related personal papers. Examples include diaries, journals, notes, and personal calendars and appointment schedules if they are for personal use only and not prepared for, used in, or communicated in the transaction of Department business. This is the most complex category and often requires consultation with the Department’s Records Officer and the Office of the Legal Adviser.

g. **Program records** document the unique, substantive functions for which an office is responsible, in contrast to administrative records.

h. **Records Disposition Schedule.** A document describing, providing instructions for, and approving the disposition of records. It includes the type of disposition (destroy, retire, transfer), and when such action is to be taken.

i. **RMH**—Records Management Handbook, 5 FAH-4 .

j. **Storage media** includes, but is not limited to, magnetic media, such as tapes and disks; and optical media including optical disks and CD-ROM.

## **5 FAM 416 RECORDS CREATION**

*(TL:IM-19; 10-30-95)*

The Federal Records Act of 1950, as amended (44 U.S.C. 3101-3102) requires the Department's Records Officer, representing the head of agency, to

(a) assure the making and preserving of records "containing adequate and proper documentation of the organization, procedures, and essential transactions of the agency;" and

(b) provide for "effective controls over the creation of records in the conduct of current business."

### **5 FAM 416.1 Controls for Record Creation**

*(TL:IM-19; 10-30-95)*

Certain controls over the creation of records are essential to see that important policies, decisions, and operations are adequately recorded, routine paperwork is kept to a minimum, and the accumulation of unnecessary files is prevented. Standards and techniques for achieving economy in the creation of records, including correspondence, reports, forms, and directives shall be developed in accordance with the general criteria set forth in regulations and handbooks issued by NARA. 5 FAH-4 contains methods and procedures that all offices should follow when creating records.

### **5 FAM 416.2 Documentation Adequacy**

*(TL:IM-19; 10-30-95)*

The recording of activities of officials of the Department should be complete to the extent necessary to:

(a) facilitate the making of decisions and policies and the taking of actions by the incumbents and their successors in office;

(b) fulfill the requirements of Federal statutes;

(c) make possible a proper scrutiny by the Congress and by other duly authorized agencies of the Government, of the manner in which the functions of the Department have been discharged;

(d) protect the financial, legal, and other rights of the Government and of the persons affected by actions of the Department; and



- (e) provide materials for research and historical purposes.

## **5 FAM 417 AUTHORITIES**

*(TL:IM-19; 10-30-95)*

- (a) 18 U.S.C. 641 (Public money, property or records);
- (b) 18 U.S.C. 2071 (Concealment, removal, mutilation of records, etc.)
- (c) 31 U.S.C. 716 (Budget and Accounting Act of 1921);
- (d) 44 U.S.C. Chapter 31 (Records management by Federal agencies)(Federal Records Act of 1950);
- (e) 44 U.S.C. Chapter 33 (Disposal of records) (Records Disposal Act of 1943);
- (f) 44 U.S.C. Chapter 35 (Coordination of Federal information policy)(Paperwork Reduction Act, as amended);
- (g) Inspector General Act of 1978, as amended;
- (h) Executive Order 12356, National Security Information;
- (i) Executive Order 12656, National Security Emergency Preparedness Responsibilities;
- (j) 36 CFR, Chapter XII, Subchapter B, Records Management;
- (k) 41 CFR, Chapter 201-45, Management of Records (FIRMR);
- (l) OMB Circular A-130, Management of Federal Information Resources; and
- (m) GAO Policy and Procedures Manual for Guidance of Federal Agencies, Title 8 —Records Management.

## **5 FAM 418 THROUGH 419 UNASSIGNED**